IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 22444 of 2007(V)

PETITIONER:

BINUMOL K.P.,AGED 38 YEARS,
W/O. JAMINI.K.V.JUNIOR PUBLIC HEALTH GRADE II,
MOONNIYUR P.H.C.MOONNIYUR PO,
MALAPPURAM DISTRICT
RESIDING AT KODUNGASSERIL HOUSE,
KUMARAKOM VILLAGE
KOTTAYAM DISTRICT.

BY ADV. SRI.J.KRISHNAKUMAR

RESPONDENTS:

---

1. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM, KERALA.

2. THE DISTRICT MEDICAL OFFICER,
HEALTH SERVICES, MALAPPURAM.

3. THE DISTRICT MEDICAL OFFICER,
HEALTH SERVICES, KOTTAYAM.

BY GOVERNMENT PLEADER BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.22444 of 2007 V

Dated this the 1st day of November, 2007.

JUDGMENT

Petitioner, who is working as Junior Nurse in the Malappuram District from 2003, claims inter-district transfer to Kottayam with a relaxation of the 5 year rule available to the near relatives of Jawans. According to the petitioner, she has been regularly applying from the year 2003. But it has not been considered so far.

2. In the statement filed by the respondents, it is mentioned that in the order of preference provided in the Government Order Exts.R1(a), R1(b) and R1(c), the category of dependents of Jawans comes as 5th item.

3. There are 177 applications received in the office of the first respondent Director of Health Services. Apparently, out of the 177 applicants, two applicants belong to Scheduled Caste category and there are two applicants in the quota of dependents of Jawans, who are senior to the petitioner. It is stated that petitioner's application

has not been considered only because there are no sufficient number of vacancies in the quota of dependents of Jawans.

Having considered the averments in the writ petition and after hearing the learned counsel for the petitioner, the writ petition is disposed of directing the first respondent to treat the petitioner's application for inter-district transfer as alive and in accordance with law considering the petitioner's claim for preferential category. She must be given a posting at Kottayam as and when her turn arises. It is open to the petitioner to bring any vacancy to the notice of the first respondent by way of a representation.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//

P.S. To Judge